

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VYACHESLAV MELNICHUK,

Plaintiff,

v.

FINE HAU INDUSTRY CO., LTD. and THE  
HOME DEPOT USA, INC.,

Defendants.

CASE NO. C18-1830-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to extend time to complete service on Defendant Fine Hau (Dkt. No. 27) and motion for an order regarding mediation (Dkt. No. 28). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS Plaintiff's motion for an extension of time and DENIES Plaintiff's motion for mediation for the reasons explained herein.

**I. BACKGROUND**

On June 18, 2019, the Court granted in part and denied in part Plaintiff's motion regarding service of process, and granted Plaintiff 30 days to serve Defendant Fine Hau in accordance with the Hague Convention. (*See generally* Dkt. No. 23.) On July 11, 2019, UPS confirmed that it had delivered Plaintiff's service of process package to China's Central Authority. (Dkt. Nos. 27 at 2, 27-4 at 3-5.) On July 16, 2019, an attorney retained by Plaintiff

1 spoke with a director of the Ministry of Justice of China, who stated that she had personally  
2 received the service of process package submitted by Plaintiff's counsel. (Dkt. No. 27-2 at 2.)  
3 The director explained that it would take at least four months to serve the legal documents on  
4 Defendant Fine Hau pursuant to the Hague Convention, although the average time taken and  
5 required by Chinese authorities is 10 months. (*Id.* at 2–3.)

6 Plaintiff moves for an extension of time to complete service on Defendant Fine Hau in  
7 accordance with the Hague Convention. (Dkt. No. 27.) Plaintiff also moves for an order  
8 compelling Defendant Home Depot to attend a mediation in September 2019. (Dkt. No. 28.)

## 9 **II. DISCUSSION**

### 10 **A. Motion for Extension of Time**

11 The Court may extend the time a party must perform an act upon a showing of good  
12 cause. *See* Fed. R. Civ. P. 6(b). Plaintiff has demonstrated that it provided Chinese authorities  
13 with the requisite service documents within the time ordered by the Court, and cannot take  
14 further steps to expedite the service of those documents on Defendant Fine Hau itself. (*See* Dkt.  
15 Nos. 23, 27 at 2, 27-2 at 2–3, 27-4 at 3–5.) Plaintiff thus requests that all existing case deadlines  
16 “be continued and be re-set to begin upon the date that Fine Hau is served and files its Answer in  
17 this case” in order to avoid duplication of discovery efforts. (Dkt. No. 27 at 3–4.) Finding good  
18 cause, the Court hereby GRANTS Plaintiff's motion for an extension of time to serve Defendant  
19 Fine Hau in accordance with the Hague Convention. The case is hereby STAYED pending the  
20 completion of service on Defendant Fine Hau. The parties are ORDERED to submit a joint status  
21 report notifying the Court when Defendant Fine Hau has been served in accordance with the  
22 Hague Convention and proposing a stipulated modified case schedule.

### 23 **B. Motion for Mediation**

24 Plaintiff has simultaneously moved for an order compelling Defendant Home Depot and  
25 an adjuster of its insurer, Lloyd's of London, to attend a mediation in September 2019. (Dkt. No.  
26 28.) It would be incongruous to compel Defendant Home Depot to participate in mediation after

1 restricting its ability to conduct discovery on Plaintiff's claims. Therefore, Plaintiff's motion for  
2 an order compelling Defendant Home Depot to attend mediation is DENIED.

3 **III. CONCLUSION**

4 For the foregoing reasons, Plaintiff's motion for an extension of time to serve Defendant  
5 Fine Hau in accordance with the Hague Convention (Dkt. No. 27) is GRANTED and the case is  
6 hereby STAYED pending the completion of service on Defendant Fine Hau. Plaintiff's motion  
7 for an order compelling Defendant Home Depot to attend a mediation is DENIED.

8 DATED this 6th day of August 2019.

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12 John C. Coughenour  
13 UNITED STATES DISTRICT JUDGE  
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